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The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

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Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

States Can't Litigate Water Rule in Two Courts: Justice

Posted June 01, 2016, 3:08 P.M. ET

By Amena H. Saiyid

A coalition of states cannot challenge the Clean Water Rule in two federal courts at the same time especially since the U.S. Court of Appeals for the Sixth Circuit has said it has jurisdiction to review lawsuits over the regulation, the Justice Department said in a brief filed in the Eleventh Circuit.

The DOJ [brief](#), filed May 31, urged the Eleventh Circuit to dismiss the proceedings on jurisdictional grounds alone. The government agreed with the U.S. District Court for the Southern District of Georgia, which ruled it lacked jurisdiction to block the rule. Eleven states, led by Georgia, appealed that ruling.

At the same time, the Justice Department said, the states had no basis for urging the Eleventh Circuit to address the question of which court should review the water rule when their own challenge is being consolidated with 21 other petitions before the Sixth Circuit. And the Sixth Circuit in late April reaffirmed its jurisdiction to hear challenges after denying an en banc rehearing request.

The government's response followed the Eleventh Circuit's request for supplemental briefing on the question of whether it should continue to hold proceedings on the question of which court is best suited to hear the challenges to the rule, or to stay the proceedings until the Sixth Circuit has determined whether the rule is indeed legal.

State Regulators Offer Clean Power Plan Model Rule

Posted June 01, 2016, 4:13 P.M. ET

By Andrew Childers

The National Association of Clean Air Agencies today released a [model rule](#) to guide states as they prepare to implement the Environmental Protection Agency's Clean Power Plan.

The model plan maps out choices state regulators will have to make as they develop compliance plans to implement the EPA's carbon dioxide standards for the power sector. The agency also is developing a model rule, expected to be released this summer, to guide states on their compliance plans.

The EPA's Clean Power Plan (RIN:2060-AR33), which sets limits on carbon dioxide emissions from the power sector, has been stayed by the U.S. Supreme Court and is scheduled to be argued before the full U.S. Court of Appeals for the District of Columbia Circuit in September.

Clinton Wants Tenfold Energy Boost on Public Lands, Waters

Posted June 01, 2016, 3:21 P.M. ET

By [Rachel Leven](#)

Democratic presidential hopeful Hillary Clinton would aim to increase by 10 times the amount of renewable energy production and strengthen water security, according to a Clinton campaign [fact sheet](#) released today.

Clinton would speed up renewable energy project siting and development on public lands, streamline transmission line development for renewables on public and private lands and see through President Barack Obama's efforts to re-evaluate its coal leasing program and fossil fuel leasing royalty rates. She would also expand water reuse, water infrastructure and Western-specific water conservation resources and establish a new water efficiency and supplies research lab.

"Hillary Clinton's vision for collaborative stewardship will strengthen protections for our natural and cultural resources, increase access to parks and public lands for all Americans, as well as harness the immense economic potential they offer through expanded renewable energy production, a high quality of life, and a thriving outdoor economy," the fact sheet said.

Sanders: Fracking Ban Should Be in Democratic Party Platform

Posted June 01, 2016, 2:39 P.M. ET

By [Rachel Leven](#)

The Democratic Party platform should include a national hydraulic fracturing ban, Democratic presidential candidate Bernie Sanders (I-Vt.) said today in California.

At a press conference in California days before the state's Democratic primary, Sanders said he would "hope and expect" the party to include the ban to "make it clear that it has the guts to stand up to the fossil fuel industry, and to make it clear that their short-term profits are not more important than the health and well-being of [our citizens]." Sanders, who also said he hoped to speak to Gov. Jerry Brown (D-Calif.) about his views on fracking, cited water pollution and methane emissions that result from fracking as crucial environmental problems.

"I think it's too late for regulating," Sanders said, citing the "profound" difference between his and Democratic presidential hopeful Hillary Clinton's approaches to the issue. "I think fracking needs to be banned."

Pacific Coast Pact Signed to Battle Climate Change

Posted June 01, 2016, 3:49 P.M. ET

By [Carolyn Whetzel](#)

Governors of California, Oregon and Washington, British Columbia's premier and mayors of six West Coast cities today signed a pact to collaborate on efforts to address climate change and build a regional clean energy economy.

Announced at a side meeting of states, provinces and cities held during the Clean Energy Ministerial (CEM7) in San Francisco, the Pacific North America Climate Leadership Agreement builds upon commitments in the 2013 agreement the three U.S. states and Canadian province signed in 2013. The new pact also serves as a model for collaboration to help the 135 "subnational" jurisdictions that agreed in Paris to control greenhouse gas emissions enough by 2050 to limit global warming to less than 2 degrees Celsius, the three governors said.

Collaboration is key to battling climate change and decarbonizing the global economy, the governors said.

Key provisions in the new agreement call for developing and sharing a database for energy use in large buildings; expanding public and private sector use of electric vehicles and related charging infrastructure; accelerating the deployment of distributed, community-scale renewable energy and integrating it into the grid; reducing the carbon intensity of heating fuels; and reducing carbon emissions from food waste.

Renewables Are Gentrification, Equity Solution: Justice Advocates

Posted June 01, 2016, 2:59 P.M. ET

By Rachel Leven

Government officials, energy companies and others should consider "co-benefits" of renewable energy use and energy efficiency efforts in the energy planning process, environmental justice advocates said today.

While renewables and energy efficiency efforts are widely touted for their carbon emission reduction benefits, these tools could for low-income communities and communities of color be a source of jobs and a way to reduce energy bills, advocates said at the New Republic's Forum on Climate Justice. They could also result in reduced pollution from fenceline facilities such as coal-fired power plants, leading to a myriad of additional health benefits, they said.

"When we talk about transforming our energy mix to more renewables, we're talking to people about sort of eliminating megawatt hours generated by a polluting power plant that is contributing to the poor air quality that is contributing to the high rates of asthma," Cecil Corbin-Mark, deputy director of WE ACT for Environmental Justice, said. "We're talking about replacing that megawatt for a public health benefit."

Don't Delay State Regional Haze Plans, Environmentalists Say

Posted June 01, 2016, 2:10 P.M. ET

By Tripp Baltz

Environmentalists today urged the Environmental Protection Agency not to delay the submittal deadlines for state regional haze plans by three years as the agency proposed in April.

"The deadline for state implementation plans should remain at 2018" instead of 2021 as the EPA set forth in proposed revisions to the regional haze rule under the Clean Air Act, said Bill Corcoran, western director of the Sierra Club "Beyond Coal" Campaign, at a public hearing on the proposed rule revisions June 1 in Denver. "A siren song of delaying pollution cleanup so that affected industry can supposedly address Clean Air Act regulatory obligations in unison will, inevitably, result in delays piling up on delays."

Representatives of other conservation groups presented similar remarks on the proposed revisions, which the EPA said were designed to streamline, strengthen and clarify aspects of the agency's program to reduce regional haze, caused primarily by emissions of particulate pollutants. The Clean Air Act established the program to help to protect clear views in federal Class 1 areas, including national parks and wilderness areas such as the Grand Canyon.

California Proposes Methane Reductions at Oil and Gas Sites

Posted June 01, 2016, 3:18 P.M. ET

By Tripp Baltz

The California Air Resources Board proposed a regulation designed to reduce methane emissions from oil and gas production, processing, storage, and transmission compressor stations.

The proposed rule, released May 31, would set new greenhouse gas emission standards for many crude oil and natural gas facilities, requiring regulated producers to take actions to limit intentional, meaning vented, as well as unintentional, meaning leaked or fugitive, emissions from active and idle equipment and operations, the board said.

The standards would require producers to collect and then either use or destroy methane and other associated gas from oil drilling operations. At present many oil companies vent or flare — meaning they burn or release — methane gas that rises to the surface during oil drilling completion activities, which often involves hydraulic fracturing. The standards also impose new monitoring and gas leak detection and repair requirements.

Changes Needed to Keep GMOs Effective, IG Finds

Posted June 01, 2016, 12:46 P.M. ET

By David Schultz

The Environmental Protection Agency needs to do more to prevent a widely planted type of genetically modified corn from becoming obsolete, according to a report the agency's inspector general released today.

The report looks at corn plants that produce the insecticide Bt internally through genetic modification, which has helped corn farmers drastically reduce the amount of insecticides they spray externally on their crops. Widespread reports of insects impervious to Bt have prompted worries that corn farmers may have to return to heavy chemical spraying in the near future.

The EPA's inspector general said the agency should, among other actions, create a standardized test to determine if insects have become resistant to Bt and should also create a way for farmers and researchers to report instances of resistance directly to the EPA, rather than to the seed company, which may be disinclined to pass those reports along to the agency.

The IG's report indicates that the agency has agreed to implement all of the inspector general's recommendations, and in fact has already implemented several of them.

EU to Consider Extension of Glyphosate Approval

Posted June 01, 2016, 12:07 P.M. ET

By Stephen Gardner

The European Commission today sought to sidestep difficulties in the European Union-level reauthorization of the widely used herbicide glyphosate by proposing an extension of the current approval until the European Chemicals Agency can assess whether the substance should be classified as carcinogenic.

Without an extension, the EU-level authorization for glyphosate will expire June 30, meaning that EU countries that have authorized use on their territory of products containing glyphosate would also have to withdraw those approvals.

EU health and food safety commissioner Vytenis Andriukaitis said that the commission would bring the temporary extension plan to a June 6 meeting of a regulatory committee of EU member country representatives in the hope of breaking a stalemate that has developed around glyphosate.

The reauthorization in the EU of the substance has become a battleground between industry and environmental groups because of conflicting studies that have variously identified the substance as "probably carcinogenic to humans" and "unlikely to pose a carcinogenic risk to humans."

Volkswagen's U.S. Sales Fall for Seventh Straight Month

Posted June 01, 2016, 2:08 P.M. ET

By Patrick Ambrosio

Volkswagen of America saw its U.S. sales decline by 17.2 percent in May compared to the same month in 2015, the seventh straight month the automaker has reported significant year-over-year declines.

The German automaker hasn't recorded a year-over-year U.S. sales increase since October, shortly after the federal government alleged that hundreds of thousands of diesel engine vehicles sold by Volkswagen in the U.S. had been outfitted with illegal technology that allowed the vehicles to pass emissions tests despite emitting more pollution than allowed. Volkswagen has halted the sales of diesel versions of the Passat, Golf and other models pending an agreement with regulators.

Overall, Volkswagen's U.S. sales are down just over 13 percent for the first five months of 2016 compared to the same time period last year.

Washington State Issues Revised Carbon Cap Draft

Posted June 01, 2016, 3:59 P.M. ET

By Paul Shukovsky

The Washington state ecology department released a revised draft today of its proposed carbon cap rule that takes into account the concerns of business with steps such as recognizing prior actions to reduce greenhouse gas emissions.

The proposed rule would mandate that businesses emitting large amounts of greenhouse gases such as petroleum producers and importers, natural gas distributors, metal manufacturers and power plants demonstrate every three years that they have reduced their emissions by an average of 1.7 percent annually. It contemplates the ability to purchase credits from carbon markets such as those in California and Quebec, but not from the Regional Greenhouse Gas Initiative in the Northeast and mid-Atlantic states.

An earlier iteration of the rule was withdrawn in February after complaints from business; particularly energy-intensive, trade-exposed sectors such as aluminum smelting, paper manufacturing and glass production. Among potentially eligible companies classified as in the EITE sector are Alcoa Intalco Works, Boeing Commercial Airplanes and Georgia-Pacific Consumer Products LLC, according to an ecology department list.

The revised draft rule recognizes steps already taken to cut GHG emissions by comparing companies with peers nationally. "The more efficient a business already is, the fewer carbon reductions it would have to make," Stu Clark, air quality program manager, said today in a press briefing.

Power plants will be covered under Washington's proposed Clean Air Rule. However, if the Environmental Protection Agency's Clean Power Plan goes into effect, power plant GHG emissions would then be regulated under the EPA plan, Clark said. The state rule would require greater emissions reductions from the power plant sector than would the EPA rule, he said.

The Department of Ecology intends to promulgate the rule this summer.

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